

REMARKS/ARGUMENTS

Claims 1-22 are pending in the present application, of which claims 1, 14, 21 and 22 are independent claims. Claim 23 has been previously canceled without prejudice or disclaimer. Claims 1, 14, 21 and 22 have been amended by this Amendment.

Claim Rejections under 35 USC § 103

Claims 1-9, 12, 14-19, 21, 22 and 23 stand rejected under 35 USC § 103(a) as unpatentable over Holman in view of Chang and Maggio. Claims 10, 11 and 20 stand rejected under 35 USC § 103(a) as unpatentable over Holman, Chang and Maggio in view of Ben-David. Claim 13 stands rejected under 35 USC § 103(a) as unpatentable over Holman, Chang and Maggio in view of Reams.

Discussion of Disclosed Embodiments

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

Disclosed is an interactive method for generating a supplementary, program-related output. The disclosed method includes obtaining a programming signal, obtaining a supplementary, program-related data signal, combining the programming signal and the supplementary, program-related data signal into a broadcast signal, broadcasting the broadcast signal from a program signal source; receiving the broadcast signal, performing the programming signal of the received broadcast signal with reproduction equipment for an audience, generating, during performance of said programming signal of the received broadcast

signal, an audible signal in response to the received broadcast signal only when the received broadcast signal includes the supplementary, program-related data signal, storing the supplementary, program-related data signal of the received broadcast signal on a portable storage media, enabling retrieval of rewards data corresponding to products or services by accessing the stored supplementary, program-related data signal from the portable storage media, and selecting a reward from the retrieved rewards data.

Descriptive summary of Holman

Holman discloses an electronic redeemable coupon generating system. The system of Holman includes an encoder for encoding coupon-related data in a television signal transmission, a decoder for receiving the television signal transmission and extracting the coupon-related data therefrom, and a recording device for recording the extracted coupon-related data on a recording medium for subsequent readout and redemption. The decoder of Holman includes a display driver for displaying indicia on a television monitor screen responsive to coupon-related data encoded in the television signal transmission. Upon observing the indicia on the television monitor screen, the user of the system of Holman can manually and selectively extract the coupon-related data from the television signal transmission. After an optional editing function, the extracted coupon-related data of Holman is stored on a recording medium such as a magnetically striped card. The decoder of Holman may be part of the standard circuitry of a closed-caption adapted or modified television set (See Abstract of Holman).

Descriptive summary of Chang

Chang discloses a system and method for broadcast advertising. The system of Chang includes a broadcast receiver that receives a broadcast signal. In addition to the usual video and/or audio data, the broadcast signal of Chang includes embedded product or service data. The broadcast receiver of Chang includes a memory slot that is sized and shaped to receive a portable memory media. In response to a signal received at the broadcast receiver, e.g., from a remote control unit, the embedded product data of Chang is extracted from the broadcast signal and downloaded to the portable memory media forming a virtual shopping list. To facilitate shopping, the portable memory media of Chang can then be installed in a shopping computer, e.g., in an information kiosk at a shopping mall to determine where a particular product can be found, how much it costs, etc. (See Abstract of Chang).

Descriptive summary of Maggio

Maggio discloses Communicates Consumer Rewarded Advertising Vehicle Immersive Ad Bundles ("CRAV Ads"). The CRAV Ads include a Vignette, a Query, an optional Alert, and an optional Answer. (See Abstract of Maggio). The Alert 1805 is a warning to Consumers that an upcoming Vignette 1810 should be memorized so the Consumers may become eligible to win a reward. The Alert 1805 could be any cue or operational procedure that leads the Consumers to believe that immersion may lead to a reward. (See col. 5, lines 30-35 of Maggio).

Arguments

The art cited by the Examiner fails to disclose, teach or suggest "generating, *during performance of said programming signal of the received broadcast signal*, an audible signal in

response to the received broadcast signal *only when the received broadcast signal includes the supplementary, program-related data signal*”, as expressly recited by Applicants’ amended claim 1 because the Alert of Maggio is only generated before performance of a corresponding commercial broadcast, i.e., the Vignette. Moreover, Maggio fails to teach or suggest that the Alert is generated only when a received broadcast signal includes a supplementary, program-related data signal.

Support for the amendments to claim 1 (and claims 14, 21 and 22) is found at least in paragraph 30 of the published application which states: “When controller 19 receives an indicator control signal 21, it generates indicator output signal 23 to availability indicator 25. Indicator 25 can generate a[n] ... audible ... signal to alert the viewer to the fact that a reward is interactively available *during the program to which the viewer is then tuned.*” (emphasis added).

The Examiner (at page 4 of the Office Action) acknowledges that Holman and Chang do not disclose a method for generating an audible signal in response to and interactively with the received broadcast signal including the supplementary, program-related data signal. The Examiner instead relies on Maggio as disclosing these features.

Maggio discloses that the Alert 1805 is a warning to Consumers that an upcoming Vignette 1810 should be memorized so the Consumers may become eligible to win a reward. (See col. 5, lines 30-33 of Maggio). In particular, Maggio discloses that following the Alert 1805 the Vignette 1810 is broadcast. (See col. 5, line 46 of Maggio). The Vignette 1810 is the commercial for a product or service or any other information designed for presentation to the consuming audience. (See col. 5, lines 47-49 of Maggio).

Maggio therefore discloses generating the Alert 1805 only before performance of the corresponding commercial broadcast, i.e., the Vignette 1810. Maggio fails to teach or suggest generating the Alert 1805 during performance of the Vignette 1810. It follows, therefore, that Maggio also cannot disclose generating an audible signal in response to the received broadcast signal only when the received broadcast signal includes the supplementary, program-related data signal because the Alert must always be generated before performance of a Vignette or commercial from a received signal. Maggio thus fails to disclose, teach or suggest “generating, *during performance of said programming signal of the received broadcast signal*, an audible signal in response to the received broadcast signal *only when the received broadcast signal includes the supplementary, program-related data signal*”, as expressly recited by Applicants’ amended claim 1. Maggio thus fails to cure the deficiencies of Holman and Chang already acknowledged by the Examiner.

Independent claim 1 is accordingly deemed to be patentably distinct over the cited art for at least these reasons. Independent claims 14, 21 and 22 contain features akin to those discussed above with respect to independent claim 1 and, therefore, claims 14, 21 and 22 are likewise deemed to be patentably distinct over the cited art for at least reasons discussed above with respect to claim 1. Claims 2-13 and 15-20, each of which depend from one of claims 1 and 14, are deemed to be patentably distinct over the cited art for at least the same reasons as claims 1 and 14, as well as on their own merits.

Withdrawal of these rejections is therefore requested.

CONCLUSION

This application is now believed to be in condition for allowance, and early notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN PONTANI LIEBERMAN & PAVANE LLP

By /Thomas Langer/
Thomas Langer
Reg. No. 27,264
551 Fifth Avenue, Suite 1210
New York, New York 10176
(212) 687-2770

Dated: August 17, 2010